

Official Form 417A (12/18)

*[Caption as in Form 416A, 416B, or 416D, as appropriate]***NOTICE OF APPEAL AND STATEMENT OF ELECTION****Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):
Bank of India (London Branch), Union Bank of India (UK) Ltd., & Receivers of Firestar Diamond BVBA, on behalf of Bank of India (Antwerp Branch)
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☒ X Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order granting trustee's objection to claims
2. State the date on which the judgment, order, or decree was entered: May 8, 2020

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

- | | |
|---|--|
| 1. Party: <u>Bank of India (Bharat Diamond Bourse Branch)</u> | Attorney: <u>Condon & Forsythe LLP</u>
<u>Joseph E. Czerniawski, Esq.</u>
<u>7 Times Square, 18th Floor, NY, NY 10036</u>
<u>212-849-6824</u> |
| 2. Party: <u>Chapter 11 Trustee</u>
<u>Richard Levin, Esq.</u> | Attorney: <u>Jenner & Block LLP</u>
<u>Marc B. Hankin, Esq.</u>
<u>Carl N. Wedoff, Esq.</u>
<u>919 Third Ave, NY, NY 10022</u>
<u>212-891-1600</u> |

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ X Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Date: May 20, 2020

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Hill Rivkins LLP

John J. Sullivan

45 Broadway, Suite 1500, NY, NY 10006

212-669-0600

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May 2020, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send a notice of such filing to the Chapter 11 Trustee's counsel, the U.S. Trustee, and the interested parties registered to receive ECF notifications from the court.

/s/ John J. Sullivan

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.¹

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

**ORDER DISALLOWING FILED CLAIMS OF FIRESTAR
DIAMOND BVBA (FIRESTAR CLAIM NO. 12 AND FIRESTAR CLAIM NO. 11),
BANK OF INDIA (BHARAT DIAMOND BOURSE BRANCH) (FIRESTAR
CLAIM NO. 55), BANK OF INDIA (LONDON BRANCH) (FIRESTAR CLAIM
NO. 17), AND UNION BANK OF INDIA (UK) LTD. (FIRESTAR CLAIM NO. 16)**

Upon consideration of the *Objection to Filed Claims of Firestar Diamond BVBA (Firestar Claim No. 12 and Firestar Claim No. 11)* [Dkt. 1121]; *Objection to Filed Claim of Bank Of India (Bharat Diamond Bourse Branch) (Firestar Claim No. 55)* [Dkt. 1157]; *Objection to Filed Claim of Bank Of India (London Branch) (Firestar Claim No. 17)* [Dkt. 1158]; and *Objection to Filed Claim of Union Bank of India (UK) Ltd. (Firestar Claim No. 16)* [Dkt. 1161] (the “**Objections**”) filed by Richard Levin in his capacity as Trustee of the three Debtors in these jointly administered cases (the “**Trustee**”), seeking entry of orders under section 502(d) of title 11 of the United States Code (the “**Bankruptcy Code**”), and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), disallowing claims by or on behalf of Firestar Diamond BVBA (Firestar Claim No. 12 and Firestar Claim No. 11); Bank of India (Bharat Diamond Bourse Branch) (Firestar Claim No. 55); Bank of India (London Branch) (Firestar Claim No. 17); and Union Bank of India (UK) Ltd. (Firestar Claim No. 16) (the “**Claims**”), as more fully described in the Objections; the responses to the Objections [Dkt. 1209, 1215, 1216, 1217]; the Declaration of Bernard Insel [Dkt. 1221]; the Trustee’s replies in support of the Objections [Dkt. 1231, 1232,

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Firestar Diamond, Inc. (2729), Fantasy, Inc. (1673), and Old AJ, Inc. f/k/a A. Jaffe, Inc. (4756).

1233, 1234]; and appropriate notice under the circumstances of the Objections having been provided, and it appearing that no other or further notice need be provided; and the Court having held a hearing on November 18, 2019; and having found and determined that the legal and factual bases set forth in the Objections establish just cause for the relief granted herein for the reasons set forth in the Court's April 22, 2020 *Memorandum of Decision* [Dkt. 1482] (the "**Decision**"); and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED:

1. The Objections are sustained.
2. The Claims are disallowed for the reasons stated in the Decision.
3. The Trustee, the Claims and Noticing Agent (Omni Agent Solutions), and the Clerk of this Court are authorized to take all actions necessary or appropriate to effectuate this Order.
4. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation and/or interpretation of this Order.

Dated: New York, New York
May 8, 2020

/s/ Sean H. Lane
HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE